

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**CHARLES TINGLER,**

**Plaintiff,**

**v.**

**GOVERNOR MIKE DEWINE, *et al.*,**

**Defendants.**

**Case No. 2:25-cv-206**

**Judge Edmund A. Sargus, Jr.**

**Magistrate Judge Kimberly A. Jolson**

**ORDER**

Plaintiff Charles Tingler, who is proceeding without the assistance of counsel, brings this action against Ohio Governor Michael DeWine; Ohio state representatives Scott Wiggam and Thomas Hall; and Ohio state senators Nickie J. Antonio, Jerry C. Cirino, Hearcel F. Craig, Al Landis, Nathan H. Manning, Bill Reineke, and Kent Smith. (ECF No. 1-2.) He seeks a declaratory judgment stating that House Bill 265 is unconstitutional under the First, Fifth, and Fourteenth Amendments to the U.S. Constitution, as well as the Ohio constitution, and injunctive relief prohibiting Defendants from enforcing House Bill 265. (*Id.* PageID 6–8.)

This matter is before the Court on the Order and Report and Recommendation issued by the Magistrate Judge on March 13, 2025. (ECF No. 3.) The Magistrate Judge conducted an initial screen of Mr. Tingler’s Complaint as required by 28 U.S.C. § 1915(e)(2). (*Id.* PageID 64–65.) The Magistrate Judge recommends that Mr. Tingler’s claims against Defendants Wiggam, Hall, Antonio, Cirino, Craig, Landis, Manning, Reineke, and Smith should be dismissed because state legislators are entitled to absolute immunity for actions taken in their legislative capacity. (*Id.* PageID 66.) But the Magistrate Judge recommends that Mr. Tingler’s claims against Governor DeWine may proceed. (*Id.* PageID 65, 67.)

Once a magistrate judge issues a report and recommendation, the relevant statute provides:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1). The failure to file written objections to a magistrate judge's report and recommendation waives a de novo determination by the district court of any issues addressed in the report and recommendation. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see also United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).

Mr. Tingler was advised of his right to object to the Order and R&R and of the consequences of failing to do so (ECF No. 3, PageID 67–68), but he did not file a timely objection. Accordingly, Mr. Tingler waived a de novo review of the Order and R&R.

The Court has reviewed the Order and R&R and agrees with the recommendations stated therein. The Court **ADOPTS** and **AFFIRMS** the Order and R&R. (ECF No. 3.) Mr. Tingler's claims against Defendants Wiggam, Hall, Antonio, Cirino, Craig, Landis, Manning, Reineke, and Smith are **DISMISSED**. Mr. Tingler may proceed on his remaining claim against Governor DeWine, as specified in the Order and R&R.

This case remains open.

**IT IS SO ORDERED.**

4/22/2025  
DATE

s/Edmund A. Sargus, Jr.  
**EDMUND A. SARGUS, JR.**  
**UNITED STATES DISTRICT JUDGE**